IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 229/2007
DILEEP SINGH Vs. STATE OF RAJASTHAN

DATE: 03.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Manish Gupta for the accused-petitioner.
Mr. B.S. Chhaba, PP for the State.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioner against the order dated 07.02.2007 passed by the Additional Sessions Judge (Fast Track) No.1, Alwar in Sessions Case No. 19/2007 (05/2007), whereby charges for the offence under Sections 498-A, 302 and in the alternate 306 IPC have been framed against the accused-petitioner.

Learned counsel for the accused-petitioner submits that charges under Sections 302 and 306 IPC cannot run together.

Having heard rival submissions of the respective parties and upon careful perusal of the impugned order dated 07.02.2007, it appears that prima-facie case is made out against the petitioner for the offence under Section 498-A and 302 IPC but the Court below has also framed the alternate charge under Section 306 IPC against the accused-petitioner.

Without expressing any opinion on the merits of the case, I deem it proper to quash and set-aside the impugned order dated 07.02.2007 passed by the Additional Sessions Judge (Fast Track) No.1, Alwar and remand the matter back to the Court below for fresh adjudication and shall pass fresh order of charge considering the legal position and examining the settled preposition of law.

With these observations, the revision petition stands disposed of.

(K.S. RATHORE),J.

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